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SU THANH BUI

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11  
12 UNITED STATES OF AMERICA,  
13  
Plaintiff,  
14  
v.  
15 SU THANH BUI,  
16  
Defendant.

CR-09-00692 SBA

STIPULATION TO CONTINUANCE  
AND EXCLUSION OF TIME UNDER  
THE SPEEDY TRIAL ACT, 18 U.S.C. §  
3161 ET. SEQ.; ORDER

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18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status  
19 hearing date of January 25, 2011, presently scheduled at 10:00 a.m., before the Hon. Donna M. Ryu,  
20 be vacated and re-set for March 2, 2011 at 9:30 a.m., before the Oakland Duty Magistrate.

21 The reason for this request is as follows: The parties had reached an agreement pursuant to  
22 Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. However, the parties require  
23 additional time to prepare the case for sentencing, including conducting additional investigation and  
24 research pertaining to loss calculation and restitution that have arisen after completion of the draft  
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2 Pre-Sentence Report. The draft Pre-Sentence Report contained conflicting Guideline calculation,  
3 which require the parties to conduct a re-analysis of their loss and restitution calculations.  
4 Additionally, Defendant is currently in state custody and the parties need additional time to  
5 investigate his new alleged offense conduct. Accordingly, in order to allow the parties additional  
6 time to prepare for the case, to conduct additional investigation and research pertaining to restitution  
7 and loss calculations, the parties jointly request that this matter be continued to March 2, 2011 at  
8 9:30 a.m. for a status conference before the sitting Magistrate Judge.

9 The parties agree and stipulate that the time until March 2, 2011 should be excluded, under 18  
10 U.S.C. §3161(h)(7)(A) because the ends of justice served by the granting of the continuance  
11 outweigh the best interests of the public and the defendant in a speedy and public trial. The  
12 continuance is necessary to accommodate counsel's preparation efforts.

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14 Date: January 12, 2011

\_\_\_\_\_  
/s/  
Ellen V. Leonida  
Assistant Federal Public Defender  
Counsel for defendant SU THANH BUI

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18 Date: January 12, 2011

\_\_\_\_\_  
/s/  
Wade M. Rhyne  
Assistant United States Attorney

19  
20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
21 within this e-filed document.

\_\_\_\_\_  
/S/ ELLEN V. LEONIDA

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ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts and continuity of counsel. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to March 2, 2011 at 9:30 a.m., before the Oakland Duty Magistrate, and that time is excluded from January 25, 2011 to March 2, 2011 pursuant to 18 U.S.C. § 3161(h)(7)(a).

IT IS SO ORDERED.

1/24/2011  
Date

  
HON. DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE